

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ATISHI BALI, *et al.*,

Plaintiffs,

DIRECTOR OF THE UNITED STATES
CITIZENSHIP AND IMMIGRATION
SERVICES,

Defendant.

Case No. 2:24-cv-01305-RSL

STIPULATED MOTION TO DISMISS
AND ORDER

Pursuant to Federal Rule of Civil Procedure 41(a)(1)
dismiss this case, without prejudice, on the following terms:

1. U.S. Citizenship and Immigration Services (“USCIS”) shall take initial adjudicative action on the remaining Form I-829 by December 20, 2024:

a. Atishi Bali (WAC2190084462)

b. Adeep Cheema (WAC2122851647)

2. Initial adjudicative action means an adjudicative step taken by USCIS, and may include but is not limited to, requests for clarification, requests for evidence, a notice of intent to deny, or a final decision.

1 3. If review of supporting documentation reveals extenuating circumstances, the
2 agency will make best efforts to meet the above proposed deadlines but may need additional time
3 to review or take next action on the petition as necessary. Extenuating circumstances may
4 include, but are not limited to: acts of god or unforeseen natural disasters; physical incapacity of
5 obtaining the files as necessary; and/or changed circumstances regarding necessary background
6 checks, biometrics appointments, or national security concerns

7 4. USCIS agrees to adjudicate the subject Forms I-829 in good faith. If USCIS
8 issues a Request for Evidence (“RFE”) or Notice of Intent to Deny (“NOID”) for either
9 Plaintiff’s petition or biometrics, USCIS will take the next adjudicative action within 90 days
10 from receipt of Plaintiff’s response. This 90-day timeframe will apply to the response to any
11 subsequent RFE or NOID issued in Plaintiff’s case. Plaintiffs’ counsel will share the tracking
12 and confirmation information of any correspondence that is mailed to the agency to encourage
13 timely receipt and review.

14 5. If a Plaintiff believes USCIS has breached this agreement in any way, he or she
15 will notify undersigned counsel and provide USCIS with at least 14 days to remedy any such
16 breach. If USCIS fails to remedy said breach within 14 days (the “Cure Period”), an affected
17 Plaintiff may file a Motion to Reopen this matter and petition this Court for the attorneys’ fees
18 and costs associated with enforcing this Stipulated Dismissal, notwithstanding whether any such
19 alleged cure occurring after the Cure Period has elapsed. Defendant agrees to be subject to
20 jurisdiction and venue regarding any such filing sought to enforce the terms and conditions of
21 this Stipulated Dismissal, filed in this Court / within the Western District of Washington.

22 6. Except as otherwise provided in the preceding paragraph, the parties agree to bear
23 their own costs and attorneys’ fees.

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UNITED STATES ATTORNEY
1201 PACIFIC AVE., STE. 700
TACOMA, WA 98402
(253) 428-3800

1 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD

2 DATED this 4th day of November, 2024.

3 Respectfully submitted,

4 TESSA M. GORMAN
United States Attorney

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7 *Attorney for Plaintiffs*

8 *I certify that this memorandum contains 399
words, in compliance with the Local Civil Rules.*

9 *Attorneys for Defendant*

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STIPULATED MOTION TO DISMISS AND
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UNITED STATES ATTORNEY
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ORDER

The parties having so stipulated, the above is SO ORDERED. The case is dismissed without prejudice.

Dated this 5th day of November, 2024.

Robert S. Lasnik
Robert S. Lasnik
United States District Judge